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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,424	01/21/2004	Jianglei Ma	13528-285US	1236
20/988 7590 06/27/2008 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA				
EXAMINER				
HUYNH, NAM TRUNG				
ART UNIT		PAPER NUMBER		
2617				
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06/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,424

Applicant(s)

MA ET AL.

Examiner

NAM HUYNH

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 6, 7, 9, 10, 12, 14-30, 33-39, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 12, 14-30 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6, 7, 9, 10, 34-39, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1, 3, 6, 7, 9, 10, 34-39, 43, and 44 in the reply filed on 4/11/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

This application contains claims 12, 14-30 and 33 are drawn to an invention nonelected with traverse in the reply filed on 4/11/2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 6, 7, 9, 10, 34-39, 43, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Morita et al. (US 2004/0085946) (hereinafter Morita).

Regarding claim 1, Morita teaches a method of transmitting information in an unsynchronized Orthogonal Frequency Division Multiplexing (OFDM) communication network comprising a plurality of base stations (paragraph 29), the method comprising:

modulating access channel information onto a predetermined initial access channel of an OFDM communications signal, wherein the access channel information comprises a common synchronization code (primary synchronization code) that is common to each of the plurality of base stations (paragraph 37) and a cell-specific synchronization code (secondary synchronization code) that is orthogonal to the common synchronization code (spreading code) (paragraph 49) and unique to each base station (paragraph 38), and wherein the initial access channel comprises a predetermined set of one or more time-continuous signal components (frame) of the OFDM communications signal (paragraphs 34), each time-continuous signal component being carried by a respective sub-carriers (paragraph 32); and

transmitting the communication signal (paragraph 41).

Regarding claim 3, Morita teaches the common synchronization code comprises a complex PN (pseudo noise) sequence known to communication terminals configured for accessing the communication network (paragraph 34).

Regarding claim 6, Morita teaches the communication signal further comprises a scattered pilot channel, and wherein the method further comprises modulating a selected one of the common synchronization code and the cell-specific synchronization code to the scattered pilot channel (paragraph 50).

Regarding claim 7, Morita teaches each time-continuous signal component of the communication signal is associated with a respective frequency index, and wherein the

frequency indexes associated with the time-continuous signal components of the initial access channel are separated by a power of 2 (paragraph 45).

Regarding claim 9, Morita teaches the scattered pilot channel is pair-wise scattered onto sub-carriers having a common sub-carrier index in pairs of consecutive OFDM symbols (frame) (paragraph 35).

Regarding claim 10, Morita teaches the access channel information comprises a 3GPP (3rd Generation Partnership Project) PSC (Primary Synchronization Code), a 3GPP SSC (Secondary Synchronization Code) sequence, and a 3GPP primary scrambling code (paragraphs 37, 38).

Regarding claim 34, the limitations are rejected as applied to claim 1.

Regarding claim 35, Morita teaches receiving the communication signal at a communication terminal;

extracting data from the scattered pilot channel;

searching for the cell-specific synchronization code in the data extracted from the scattered pilot channel; and

performing fine timing and frequency synchronization operations at the communication terminal when the cell-specific synchronization code is found in the data extracted from the scattered pilot channel (paragraphs 55, 56).

Regarding claim 36, Morita teaches the common synchronization code comprises a primary synchronization code (PSC) and a secondary synchronization code (SSC), and the cell-specific synchronization code comprises a scrambling code (paragraph 56).

Regarding claim 37, Morita teaches the PSC, the SSC and a first portion of the scrambling code are mapped to the initial access channel, and a second portion of the scrambling code is mapped to the scattered pilot channel (paragraphs 37, 38).

Regarding claim 38, Morita teaches the PSC, the SSC, and a first portion of the scrambling code are mapped to the initial access channel, and a second portion of the scrambling code is mapped to the scattered pilot channel (paragraphs 37, 38).

Regarding claim 39, Morita teaches the PSC is mapped to the initial access channel, and the SSC and the scrambling code are mapped onto the scattered pilot channel (paragraphs 37, 38).

Regarding claim 43, the limitations are rejected as applied to claim 1.

Regarding claim 44, Morita teaches the output is configured to be connected to at least one antenna (figure 1, items 120, 122).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

NTH
6/19/08